

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

CASE NO. CR-16-00166-RS

VS.

SAN FRANCISCO, CALIFORNIA

ISLAM SAID NATSHEH,

DECEMBER 13, 2016

DEFENDANT.

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

A-P-P-E-A-R-A-N-C-E-S

FOR THE PLAINTIFF: OFFICE OF THE UNITED STATES ATTORNEY  
BY: ELISE BECKER  
450 GOLDEN GATE AVENUE, 11TH FLOOR  
SAN FRANCISCO, CALIFORNIA 94102

FOR THE DEFENDANT: OFFICE OF THE FEDERAL PUBLIC DEFENDER  
BY: CANDIS LEA MITCHELL  
459 GOLDEN GATE AVENUE, ROOM 19-6884  
SAN FRANCISCO, CALIFORNIA 94102

U.S. PROBATION: JILL SPITALIERI

OFFICIAL COURT REPORTER: IRENE L. RODRIGUEZ, CSR, RMR, CRR  
CERTIFICATE NUMBER 8074

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY,  
TRANSCRIPT PRODUCED WITH COMPUTER.

1 SAN JOSE, CALIFORNIA

DECEMBER 13, 2016

2 P R O C E E D I N G S

02:55PM 3 (COURT CONVENED AT 2:55 P.M.8)

02:55PM 4 THE CLERK: CALLING CASE CR-16-166, UNITED STATES  
02:55PM 5 VERSUS ISLAM SAID NATSHEH.

02:55PM 6 MS. BECKER: ELISE BECKER FOR THE GOVERNMENT. GOOD  
02:55PM 7 AFTERNOON, YOUR HONOR.

02:55PM 8 THE COURT: GOOD AFTERNOON, MS. BECKER.

02:55PM 9 MS. MITCHELL: GOOD AFTERNOON, YOUR HONOR.  
02:55PM 10 CANDICE MITCHELL FROM THE FEDERAL PUBLIC DEFENDER'S OFFICE ON  
02:56PM 11 BEHALF OF MR. NATSHEH WHO IS PRESENT BEFORE THE COURT.

02:56PM 12 THE COURT: GOOD AFTERNOON. THIS IS THE TIME AND  
02:56PM 13 DATE SET FOR SENTENCING IN THIS MATTER.

02:56PM 14 HAVE COUNSEL HAD THE OPPORTUNITY TO REVIEW THE PRESENTENCE  
02:56PM 15 REPORT?

02:56PM 16 MS. BECKER: YES, YOUR HONOR.

02:56PM 17 THE COURT: AND, MS. MITCHELL, HAVE YOU HAD THE  
02:56PM 18 OPPORTUNITY TO DISCUSS IT WITH MR. NATSHEH?

02:56PM 19 MS. MITCHELL: YES, YOUR HONOR.

02:56PM 20 THE COURT: THERE WAS ONE OBJECTION THAT WAS NOTED  
02:56PM 21 IN THE PRESENTENCE REPORT TO CERTAIN LANGUAGE THAT HAD BEEN  
02:56PM 22 ASCRIBED TO THE DEFENDANT. THAT APPEARED TO BE THE ONLY ISSUE.

02:56PM 23 IS THAT THE ONLY ISSUE THAT IS REQUIRING RESOLUTION?

02:56PM 24 MS. MITCHELL: YES, YOUR HONOR.

02:56PM 25 THE COURT: OKAY. I DID REVIEW THE OBJECTION, AND I

02:56PM 1 REVIEWED THE PROBATION OFFICER'S RESPONSE.

02:56PM 2 ANYTHING FURTHER YOU WANT TO SAY?

02:56PM 3 MS. MITCHELL: NO, YOUR HONOR.

02:56PM 4 THE COURT: ALL RIGHT. I HAVE REVIEWED IT. I THINK  
02:56PM 5 THOSE STATEMENTS ARE SET FORTH BY WAY OF BACKGROUND  
02:56PM 6 INFORMATION, AND SO I WILL OVERRULE THE OBJECTION.

02:56PM 7 I -- JUST SO IT'S CLEAR, I HAVE REVIEWED THE PRESENTENCE  
02:57PM 8 REPORT, AND I REVIEWED THE OPEN PLEA APPLICATION, AND I'VE  
02:57PM 9 REVIEWED THE GOVERNMENT'S SENTENCING MEMORANDUM THAT INCLUDES  
02:57PM 10 SOME MATERIAL FROM THE CASE IN THE DISTRICT OF MINNESOTA WHICH  
02:57PM 11 HAS SOME COMPARABLES AND THEN ALSO THE GOVERNMENT'S REPLY  
02:57PM 12 BRIEF, I REVIEWED THE DEFENDANT'S MEMORANDUM, INCLUDING LETTERS  
02:57PM 13 FROM MR. NATSHEH'S YOUNGER SISTER, FATHER, FRIENDS, COWORKER,  
02:57PM 14 CLERICAL INDIVIDUAL, AND AUNT AND UNCLE.

02:57PM 15 OUR STARTING POINT IS ALWAYS THE ADVISORY SENTENCING  
02:57PM 16 GUIDELINES WHICH AS A RESULT OF THE TERRORIST ENHANCEMENT  
02:57PM 17 RESULTS IN A GUIDELINE CALCULATION AS I THINK IS CORRECTLY SET  
02:57PM 18 FORTH IN THE PRESENTENCE REPORT OF A TOTAL OFFENSE LEVEL OF 37  
02:57PM 19 AND A CRIMINAL HISTORY CATEGORY OF 6, AND THAT'S THE RESULT OF  
02:57PM 20 THE ENHANCEMENT BECAUSE OTHERWISE THERE'S NO CRIMINAL HISTORY.

02:57PM 21 THAT WOULD YIELD AN ADVISORY SENTENCING GUIDELINE RANGE  
02:57PM 22 OF 360 MONTHS TO LIFE. THE STATUTORY MAXIMUM UNDER THE  
02:58PM 23 STATUTE, AS I UNDERSTAND IT, IS ON THE ONE COUNT INFORMATION  
02:58PM 24 THAT IS INVOLVED HERE IS A 20-YEAR MAXIMUM. SO THAT IS THE  
02:58PM 25 MAXIMUM PENALTY THAT COULD BE IMPOSED IN THIS INSTANCE.

02:58PM 1 THE PROBATION DEPARTMENT IN THEIR REPORT RECOMMENDS THE  
02:58PM 2 STATUTORY MAXIMUM. THE GOVERNMENT RECOMMENDS A DOWNWARD  
02:58PM 3 VARIANCE TO 15 YEARS WITH A 15-YEAR TERM OF SUPERVISED RELEASE,  
02:58PM 4 AND THE DEFENSE IS ARGUING FOR A SENTENCE OF 48 MONTHS INVOKING  
02:58PM 5 A CASE THAT THEY POINT ME TO IS A COMPARABLE.

02:58PM 6 MS. BECKER?

02:58PM 7 MS. BECKER: YOUR HONOR, THE GOVERNMENT HAS MADE A  
02:58PM 8 RECOMMENDATION THAT IS SLIGHTLY BELOW THE STATUTORY MAXIMUM FOR  
02:58PM 9 SEVERAL REASONS.

02:58PM 10 OBVIOUSLY, AS THE COURT HAS INDICATED, THE STARTING POINT  
02:58PM 11 IS ALMOST A NONSTARTER BECAUSE THE GUIDELINES ARE ABOVE THE  
02:58PM 12 STATUTORY MAXIMUM, BUT IF WE WERE TO LOOK AT THE CASE AND AS WE  
02:58PM 13 MUST AS A 20-YEAR CEILING TO IT, THE QUESTION IS WHERE DOES THE  
02:59PM 14 CASE FALL WITHIN THAT RANGE?

02:59PM 15 THE GOVERNMENT HAS PROVIDED SOME BACKGROUND INFORMATION TO  
02:59PM 16 THE COURT RELATING TO CASES ACROSS THE NATION. OBVIOUSLY THE  
02:59PM 17 FACTS ARE ALWAYS A LITTLE BIT DIFFERENT. SOME INVOLVE MORE  
02:59PM 18 PREPARATION FOR COMBAT OR FOR TRAVEL OR FOR FUNDING.

02:59PM 19 THE COURT: WELL, ISN'T IT FAIR TO SAY THAT THIS ONE  
02:59PM 20 INVOLVES THE LOWEST END OF ALL OF THOSE FACTORS? THIS INVOLVES  
02:59PM 21 NO RECRUITMENT, NO MONEY BEING ADVANCED, NO VIOLENCE, NO  
02:59PM 22 ACTIVITY BEYOND POST DATES, WHICH ARE OFFENSIVE NO DOUBT ABOUT  
02:59PM 23 IT, AND THEN APPREHENSION AT THE AIRPORT.

02:59PM 24 HE'S VERY FORTUNATE HE WAS APPREHENDED BECAUSE WE WILL  
02:59PM 25 NEVER KNOW WHAT MIGHT HAVE HAPPENED AND PART OF YOUR ARGUMENT,

02:59PM 1 WHICH I THINK IS A FAIR ONE, IS THAT HAD MR. NATSHEH MADE IT TO  
02:59PM 2 SYRIA AND THEN FURTHER RADICALIZED AND BEING A CITIZEN AND COME  
02:59PM 3 BACK, WE DON'T KNOW WHAT WOULD HAVE HAPPENED. HE MIGHT HAVE  
02:59PM 4 BECOME DISSOLUTIONED.

03:00PM 5 HOWEVER, HE ALSO MIGHT HAVE COME BACK AND BECOME A DANGER  
03:00PM 6 TO THE UNITED STATES. SO I UNDERSTAND THE ARGUMENT.

03:00PM 7 BUT IN TERMS OF LOOKING AT ALL THE COMPARABLES, I DON'T --  
03:00PM 8 YOU POINT OUT THESE COMPARABLES HAVE DIFFERENT FACTORS. I  
03:00PM 9 THINK THIS ONE HAS ZERO FACTORS BEYOND THE ABSOLUTE MOST BASIC  
03:00PM 10 UNLESS I MISREAD.

03:00PM 11 MS. BECKER: YOUR HONOR, THE GOVERNMENT WOULD  
03:00PM 12 RESPECTFULLY SUBMIT THAT THERE ARE OTHER FACTORS AT PLAY HERE  
03:00PM 13 AND THAT HE DOES NOT POSE SERIOUS THREAT ON ANY OF THOSE  
03:00PM 14 GROUNDS.

03:00PM 15 SO WHILE THE GOVERNMENT HAS NOT PRESENTED ANY EVIDENCE TO  
03:00PM 16 THE COURT THAT HE WAS OBTAINING MILITARY TRAINING IN THE UNITED  
03:00PM 17 STATES, THAT HE HAD ATTEMPTED TO PURCHASE ANY WEAPONS HERE, AS  
03:00PM 18 THE PSR REFLECTS, THERE WAS SOME DISCUSSION ABOUT WHETHER OR  
03:00PM 19 NOT AN ACT SHOULD BE COMMITTED IN THE UNITED STATES AND IN  
03:00PM 20 ADDITION THERE WAS --

03:00PM 21 THE COURT: I'M NOT -- I UNDERSTAND THAT, BUT I  
03:00PM 22 GUESS MY POINT WAS THAT WHEN I'M LOOKING AT THE COMPARABLES  
03:00PM 23 THAT BOTH SIDES ARE POINTING ME TO, IT APPEARS FROM THE  
03:00PM 24 SPECTRUM OF ACTIVITY THAT IN THE WORLD OF AN EFFORT TO JOIN A  
03:01PM 25 TERRORIST ORGANIZATION OR PARTICIPATE WITH A TERRORIST

03:01PM 1 ORGANIZATION, THIS APPEARS TO BE ON ONE END OF THE SPECTRUM  
03:01PM 2 THAT BEING WHEN I'M LOOKING AT THE COMPARABLES THE MINIMUM  
03:01PM 3 AMOUNT OF ACTIVITY. I JUST DON'T SEE ANY CASE IN WHICH THERE'S  
03:01PM 4 LESS.

03:01PM 5 AND I'M NOT SUGGESTING THAT IN AND OF ITSELF THAT'S NOT  
03:01PM 6 EXTRAORDINARILY SERIOUS, I DO, BUT ALL OF THE OTHER COMPARABLES  
03:01PM 7 SEEM TO HAVE SOMETHING ELSE GOING ON, YOU KNOW, ADVANCING  
03:01PM 8 MONEY, OR GOING TO TRAINING, OR, YOU KNOW, THAT KIND OF THING.

03:01PM 9 MS. BECKER: I THINK THERE ARE SEVERAL CASES THAT  
03:01PM 10 ARE SIMILARLY SITUATED AND THAT PEOPLE WERE ARRESTED AT THE  
03:01PM 11 AIRPORT ATTEMPTING TO TRAVEL. SOME HAD LIED ON THEIR PASSPORT  
03:01PM 12 TO GET THEIR PASSPORT. THERE MAY HAVE BEEN AN ADDITIONAL  
03:01PM 13 CHARGE OF THAT NATURE.

03:01PM 14 BUT TO THE EXTENT THAT THIS DEFENDANT WAS ATTEMPTING TO  
03:01PM 15 TRAVEL WITH A TRAVEL COMPANION WHERE HE HAD PURCHASED THE  
03:01PM 16 TICKET FOR THIS OTHER PERSON WHO WAS A JUVENILE WHERE THEY HAD  
03:01PM 17 HAD DISCUSSIONS ABOUT THE TRIP WHERE HE HAD COMMUNICATED WITH  
03:02PM 18 OTHERS ABOUT TRAVELLING AND JOINING ISIL, I'D SUBMIT --

03:02PM 19 THE COURT: THERE'S NO INDICATION THAT HE RECRUITED  
03:02PM 20 THAT INDIVIDUAL, RIGHT? IN FACT, THE INDIVIDUAL DIDN'T SHOW  
03:02PM 21 UP, AS I UNDERSTAND IT, BUT HE'S COORDINATING THE TRAVEL BUT  
03:02PM 22 HE'S -- YOU'RE NOT -- AT LEAST IT DIDN'T SEEM TO BE A  
03:02PM 23 SUGGESTION THAT HE HAD ACTIVELY RECRUITED THIS MINOR  
03:02PM 24 PARTICIPANT?

03:02PM 25 MS. BECKER: HE WAS PAYING FOR HIS TICKET.

03:02PM 1 THE COURT: OKAY.

03:02PM 2 MS. BECKER: SO I'M NOT GOING SO FAR AS SAYING WHOSE  
03:02PM 3 IDEA IT WAS TO TRAVEL. CERTAINLY THE JUVENILE PRESUMABLY  
03:02PM 4 INTENDED ON TRAVELLING AS WELL BUT WAS UNABLE TO COMPLETE HIS  
03:02PM 5 TRAVEL WHICH IS WHY HE DIDN'T SHOW UP AT THE AIRPORT, BUT  
03:02PM 6 NEVERTHELESS MR. NATSHEH IS THE ONE WHO PURCHASED THE TICKET  
03:02PM 7 AND WHO TOOK ALL OF THE PREPARATORY STEPS HERE TO OBTAIN A  
03:02PM 8 CREDIT CARD FOR THE PURPOSES OF BUYING THE TWO ROUND TRIP  
03:02PM 9 TICKETS.

03:02PM 10 SO THE PLAN WAS HATCHED SEVERAL WEEKS AHEAD OF TIME.  
03:02PM 11 THERE HAD BEEN COMMUNICATIONS OVER A PERIOD OF MONTHS. OF  
03:02PM 12 COURSE HE HAD BEEN COMMUNICATING WITH SOMEONE IN ANOTHER  
03:02PM 13 COUNTRY ABOUT COMMITTING THE TRAVEL AS WELL.

03:03PM 14 SO WHILE IT'S ON ONE END OF THE SPECTRUM, IT'S THE  
03:03PM 15 GOVERNMENT -- THE GOVERNMENT WOULD SUBMIT IT'S NOT AT THE  
03:03PM 16 LOWEST LEVEL POSSIBLE AT THAT END WHERE LITERALLY YOU HAVE A  
03:03PM 17 PERSON WHO DECIDED TO JOIN ISIL AND WENT TO THE AIRPORT AND  
03:03PM 18 ATTEMPTED TO TRAVEL.

03:03PM 19 THERE WAS ONGOING DISCUSSION HERE OVER A PERIOD OF MONTHS.  
03:03PM 20 THERE WAS, AGAIN, ATTEMPT TO TRAVEL WITH ANOTHER INDIVIDUAL,  
03:03PM 21 PLANS THAT HAD BEEN MADE WITH A FEMALE IN ANOTHER COUNTRY. SO  
03:03PM 22 IT'S --

03:03PM 23 THE COURT: YOU HAD INDICATED IN SOME OF THE RECORD  
03:03PM 24 THAT THERE WAS AN ACTUAL DISCUSSION ABOUT ENGAGING IN ACTIVITY  
03:03PM 25 IN THE UNITED STATES? CAN YOU POINT THAT OUT TO ME OR DIRECT

03:03PM 1 ME TO THAT?

03:03PM 2 MS. BECKER: IN PARAGRAPH 11 OF THE PSR, YOUR HONOR.

03:03PM 3 THE COURT: OKAY.

03:03PM 4 MS. BECKER: AND IT'S COMMUNICATION THAT -- THIS  
03:04PM 5 PARAGRAPH ACTUALLY REFERS TO HIS POST-ARREST STATEMENT IN WHICH  
03:04PM 6 HE MAKES REFERENCE TO IT.

03:04PM 7 THE COURT: ADMITTED THAT ONE YEAR PRIOR HE THOUGHT  
03:04PM 8 ABOUT CONDUCTING AN ATTACK INSIDE OF THE UNITED STATES, IS THAT  
03:04PM 9 WHAT YOU'RE REFERRING?

03:04PM 10 MS. BECKER: YES, YOUR HONOR. THERE WAS A  
03:04PM 11 DISCUSSION WITH THE MINOR WITH WHOM HE WAS GOING TO TRAVEL AS  
03:04PM 12 WELL.

03:04PM 13 THE COURT: OKAY.

03:04PM 14 MS. BECKER: WHEN IT WAS DETERMINED THAT HE WAS  
03:04PM 15 UNABLE TO TRAVEL, HE ASKED WHETHER OR NOT HE SHOULD DO  
03:04PM 16 SOMETHING, THE MINOR SHOULD COMMIT SOMETHING IN THE UNITED  
03:04PM 17 STATES AND THE MINOR -- I'M SORRY, AND MR. NATSHEH HAD SAID  
03:04PM 18 DON'T DO ANYTHING HERE, JUST TRY TO TRAVEL TO SYRIA.

03:04PM 19 THE COURT: UH-HUH.

03:04PM 20 LET ME SHIFT THE FOCUS FOR A MOMENT AND JUST ASK YOU ABOUT  
03:04PM 21 ALONG THE LINES OF CRAFTING AN APPROPRIATE SENTENCE, THERE WAS  
03:04PM 22 DISCUSSION IN YOUR PAPERS UNDERSTANDABLY ABOUT, YOU KNOW, THE  
03:04PM 23 DANGER OF RADICALIZATION AND ONE OF THE THINGS ANY SENTENCE IS  
03:04PM 24 TO BE DIRECTED TO IS TO AMELIORATE TO THE EXTENT THAT WE CAN  
03:05PM 25 AND MINIMIZE THAT.

03:05PM 1 IS THERE ANY OR ARE THERE ANY PROGRAMS AT ALL OTHER THAN  
03:05PM 2 SUPERVISED RELEASE, ANY SENTENCE OR CUSTODIAL PART OF THE  
03:05PM 3 SENTENCE THAT IS DIRECTIVE TO THE BUREAU OF PRISONS, OR ANYONE  
03:05PM 4 ELSE, DIRECTS TOWARDS THAT PROBLEM?

03:05PM 5 WE HAVE MENTAL HEALTH COUNSELLING, AND WE HAVE DRUG  
03:05PM 6 COUNSELLING, SUBSTANCE COUNSELLING. DO WE HAVE ANY OTHER KIND  
03:05PM 7 OF COUNSELLING OR IS THIS GOING TO JUST BE A SITUATION OF THE  
03:05PM 8 HOPE IS OVER A CERTAIN PERIOD OF TIME TO THE EXTENT THAT THERE  
03:05PM 9 IS ANY RADICALIZATION IT WILL GO AWAY?

03:05PM 10 MS. BECKER: NO. HOPEFULLY THERE WILL BE A MORE  
03:05PM 11 FOCUSED APPROACH TO REHABILITATION BOTH WITHIN THE BUREAU OF  
03:05PM 12 PRISONS AND UPON RELEASE.

03:05PM 13 AS THE COURT MAY REALIZE, THIS IS THE FIRST CASE TO BE  
03:05PM 14 SENTENCED IN OUR DISTRICT AND SO, THEREFORE, I'M NOT FAMILIAR  
03:05PM 15 WITH WHETHER --

03:05PM 16 THE COURT: APPARENTLY 71 CASES, IF I READ SOME OF  
03:05PM 17 THE MATERIALS CORRECTLY. SO I WAS CURIOUS AND THOUGHT IT WAS  
03:06PM 18 RELEVANT IF THERE ARE PROGRAMS FOR THIS SPECIFIC CONCERN OUT  
03:06PM 19 THERE.

03:06PM 20 MS. BECKER: SO MAIN JUSTICE HAS BEEN ENGAGED IN  
03:06PM 21 COMMUNICATIONS WITH THE BUREAU OF PRISONS, AND THERE ARE  
03:06PM 22 PROGRAMS THAT ARE IN PLACE IN OTHER DISTRICTS WHERE THEY HAVE  
03:06PM 23 SEEN MORE CASES PROSECUTED AND CONVICTED AND SENTENCED.

03:06PM 24 SO, AGAIN, THIS IS --

03:06PM 25 THE COURT: IS THIS ON THE SUPERVISED RELEASE PART

03:06PM 1 OR THE CUSTODIAL PART?

03:06PM 2 MS. BECKER: BOTH IN THE BUREAU OF PRISONS AND ON  
03:06PM 3 SUPERVISED RELEASE OR OUT TO THE EXTENT THAT SOMEBODY HAS  
03:06PM 4 ACTUALLY NOT BEEN INCARCERATED YET OR SENTENCED YET.

03:06PM 5 SO, AGAIN, THIS IS NEW TO OUR DISTRICT. IT IS SOMETHING  
03:06PM 6 THAT WE WOULD HAVE TO DISCUSS IN TERMS OF SUPERVISED RELEASE  
03:06PM 7 WHEN A PERSON RETURNS TO OUR DISTRICT IN TERMS OF HOW THAT  
03:06PM 8 WOULD BE HANDLED.

03:06PM 9 BUT THERE ARE PROGRAMS IN PLACE IN AT LEAST A COUPLE OF  
03:06PM 10 DISTRICTS WHERE THEY ARE ADDRESSING THE SITUATION.

03:06PM 11 THE COURT: AND DO THE JUDGMENT AND COMMITMENT  
03:06PM 12 ORDERS IN THOSE CASES HAVE ANY SOMEWHAT LIKE THE ANALOG AND THE  
03:07PM 13 DRUG AREAS, RDAP AS WE ALL KNOW, IS THERE SOME PROGRAM THAT YOU  
03:07PM 14 CAN -- THAT THE JUDGE CAN RECOMMEND THAT THE DEFENDANT  
03:07PM 15 PARTICIPATE IN?

03:07PM 16 MS. BECKER: YOUR HONOR, I'M NOT FAMILIAR WITH  
03:07PM 17 WHETHER OR NOT IT'S A SPECIALLY NAMED PROGRAM.

03:07PM 18 WHAT I HAVE LEARNED ABOUT IT IS THAT IT'S SIMILAR TO OTHER  
03:07PM 19 REHABILITATIVE PROGRAMS IN PLACE. I DON'T KNOW WHETHER OR NOT  
03:07PM 20 IT HAS BEEN CATEGORIZED IN AND OF ITSELF. THAT CERTAINLY IS  
03:07PM 21 SOMETHING THAT I CAN LOOK INTO, BUT I'M NOT AWARE OF IT AT THIS  
03:07PM 22 TIME.

03:07PM 23 THE COURT: DO YOU HAPPEN TO KNOW MS. SPITALIERI?

03:07PM 24 PROBATION OFFICER: I DO NOT BELIEVE THERE'S ANY  
03:07PM 25 SPECIFIED PROGRAMS FOR THAT. I THINK THEY WOULD JUST USE IT AS

03:07PM 1 KIND OF A COMPONENT OF A MENTAL HEALTH PROGRAM AND JUST MAKE IT  
03:07PM 2 MORE FOCUSSED.

03:07PM 3 AT LEAST ON THE SUPERVISED RELEASE SIDE, SINCE THIS IS  
03:07PM 4 GOING TO BE ONE OF OUR FIRST CASES WITH THIS TYPE OF SITUATION,  
03:07PM 5 IT WOULD PROBABLY BE CONTACTING THE OTHER DISTRICTS AND FINDING  
03:07PM 6 OUT WHAT PROGRAMS THEY HAVE IN PLACE AND TRY TO IMPLEMENT  
03:08PM 7 SOMETHING VERY SIMILAR TO THAT THROUGH THE MENTAL HEALTH  
03:08PM 8 TREATMENT.

03:08PM 9 MS. MITCHELL: YOUR HONOR, I CAN SPEAK ON THIS ALSO.

03:08PM 10 THE COURT: GREAT.

03:08PM 11 MS. MITCHELL: SO THERE IS ACTUALLY NO PARTICULAR  
03:08PM 12 PROGRAM CURRENTLY SET UP IN THE BUREAU OF PRISONS TO TREAT  
03:08PM 13 INDIVIDUALS WHO ARE ACCUSED OF THIS AND IN THE PROCESS OF  
03:08PM 14 INDIVIDUALS GOING THROUGH RADICALIZATION.

03:08PM 15 WHAT HAS HAPPENED RECENTLY IS THERE'S A DISTRICT COURT IN  
03:08PM 16 MINNESOTA AND MINNEAPOLIS THAT HAS HAD A NUMBER OF CASES  
03:08PM 17 RELATED TO SOMALIANS WHO HAVE BEEN RECRUITED TO PARTICIPATE IN  
03:08PM 18 TERRORIST TYPE OF ACTIVITIES. THE DISTRICT COURT JUDGE THERE  
03:08PM 19 TOOK A PARTICULAR INTEREST IN THIS TOPIC AND WANTED TO TRY AND  
03:08PM 20 NIP IT IN THE BUD BECAUSE THEY HAD SUCH A LARGE SOMALIAN  
03:08PM 21 POPULATION THERE THAT HAD BEEN RELOCATED AS REFUGEES AND, IN  
03:08PM 22 FACT, SPECIFICALLY THERE WERE A NUMBER OF INDIVIDUALS WHO WERE  
03:08PM 23 REACHING OUT TO OTHER PEOPLE IN THE COMMUNITY TO JOIN INTO ISIL  
03:08PM 24 OR SUPPORT THE ACTIVITIES THERE.

03:08PM 25 WHAT HAPPENED WAS THAT JUDGE REACHED OUT TO PROBATION AND

03:08PM 1 THE BUREAU OF PRISONS DISCOVERED THAT THERE WAS NO PARTICULAR  
03:08PM 2 PROGRAM IN PLACE. THEY ALSO REACHED OUT TO PRETRIAL.

03:08PM 3 THE JUDGE THERE THEN PASSED THE U.S. ATTORNEY AND FEDERAL  
03:09PM 4 PUBLIC DEFENDER WHO WERE INVOLVED IN THOSE CASES. THE FEDERAL  
03:09PM 5 PUBLIC DEFENDER THERE IS MANNY ATWAL, AND I'VE SPOKEN WITH HER  
03:09PM 6 AT LENGTH ABOUT WHAT IS GOING ON THERE. SHE IS ACTUALLY A  
03:09PM 7 CITIZEN IN THE U.K. AND WAS PERMITTED TO TRAVEL TO THE U.K. AND  
03:09PM 8 WITH SPECIFIC DIRECTIVES FROM THE JUDGE THERE TO FIND OUT WHAT  
03:09PM 9 THEY WERE DOING FOR THEIR RADICALIZATION PROGRAM THERE.

03:09PM 10 AS A RESULT OF THAT THEY'VE BROUGHT BACK SOME WORK THAT  
03:09PM 11 THEY HAVE BEEN DOING THERE OR ESPECIALLY WITH PRETRIAL RELEASE  
03:09PM 12 WITH INDIVIDUALS WHO WERE ACCUSED OF TERRORISM CASES THERE. IT  
03:09PM 13 HAS A SPECIFIC NAME FOR THE PROGRAM, AND IT SLIPS MY MIND RIGHT  
03:09PM 14 NOW, BUT THEIR PROGRAM IS SPECIFICALLY DESIGNED SO THAT  
03:09PM 15 INDIVIDUALS ON PRETRIAL RELEASE CAN START THE PROCESS OF  
03:09PM 16 DERADICALIZATION AND THEY GO THROUGH A RATHER LENGTHY AND  
03:09PM 17 SUBSTANTIAL PROCESS.

03:09PM 18 THE BUREAU OF PRISONS AND DEPARTMENT OF JUSTICE HAVE TAKEN  
03:09PM 19 A LOOK AT THIS PROGRAM AND THEY'RE GOING TO TRY AND INCORPORATE  
03:09PM 20 THE TRAINING THAT PRETRIAL HAS BEEN GIVING THERE AND DELIVER  
03:09PM 21 THAT TO THE PROBATION OFFICERS NATIONWIDE. HOWEVER, THAT HAS  
03:10PM 22 NOT COME INTO PLACE.

03:10PM 23 SPECIFICALLY WHAT HAS HAPPENED IS THAT THE BUREAU -- THE  
03:10PM 24 DEPARTMENT OF JUSTICE AND THE DISTRICT COURT JUDGE IN THAT  
03:10PM 25 SITUATION HAVE REACHED OUT TO SOMEONE WHO HAS BEEN INVOLVED IN

03:10PM 1 DERADICALIZATION FOR A LONG PERIOD OF TIME IN THE U.K. AND  
03:10PM 2 WHERE THEY ARE A LITTLE FURTHER ALONG THAN US ON THIS SITUATION  
03:10PM 3 AND HE HAS GONE THROUGH THE PROCESS OF MEETING WITH INDIVIDUALS  
03:10PM 4 WHO HAD A -- KIND OF A MATRIX FOR DETERMINING HOW RADICALIZED  
03:10PM 5 THEY ARE AND THEN DETERMINES WHAT KIND OF PROCESS WOULD NEED TO  
03:10PM 6 HAPPEN FOR DERADICALIZATION FOR THAT PERSON AND THEN ALSO WHAT  
03:10PM 7 KINDS OF THERAPY THAT THEY CAN ENGAGE IN FOR PRETRIAL RELEASE  
03:10PM 8 AND WHETHER OR NOT THAT WOULD BE APPROPRIATE.

03:10PM 9 MY UNDERSTANDING IS THAT THAT PERSON HAS STARTED TO TRAIN  
03:10PM 10 THE PROBATION OFFICERS AND PRETRIAL OFFICERS BOTH IN  
03:10PM 11 MINNEAPOLIS AND IN A FEW OTHER DISTRICTS WHERE THESE TYPES OF  
03:10PM 12 CASES HAVE BEEN MORE PREVALENT, BUT TO MY KNOWLEDGE THE BUREAU  
03:10PM 13 OF PRISONS HAS NO PROGRAM IN PLACE FOR ANY DERADICALIZATIONS  
03:11PM 14 RIGHT NOW WHICH IS PART OF THE REASON WHY THE JUDGE THERE WAS  
03:11PM 15 SPECIFICALLY LOOKING TO OUTSIDE SOURCES TO GET A PROGRAM  
03:11PM 16 STARTED AND PROBATION AT THE CURRENT TIME DOES NOT HAVE A FULLY  
03:11PM 17 FORMULATED PROGRAM BUT EVENTUALLY THEY WILL.

03:11PM 18 THE COURT: OKAY. THANK YOU. YOU CAN SHIFT BACK  
03:11PM 19 NOW TO WHATEVER ISSUES YOU WANT TO HIGHLIGHT FOR ME.

03:11PM 20 MS. MITCHELL: SO I THINK WE'VE EXHAUSTIVELY  
03:11PM 21 ATTEMPTED TO BRIEF EVERYTHING THAT WE THINK THE COURT SHOULD BE  
03:11PM 22 AWARE OF IN THE CASE OF MR. NATSHEH, BUT WE WANT TO JUST  
03:11PM 23 BRIEFLY TOUCH ON SOME OF THE ISSUES THAT THE COURT JUST BROUGHT  
03:11PM 24 UP IN SPEAKING WITH THE U.S. ATTORNEY'S OFFICE IN THAT -- IN  
03:11PM 25 COMPARISON WITH A LOT OF THE OTHER CASES.

03:11PM 1 WHAT THE COURT CAN SEE IS THAT MR. NATSHEH DOES NOT HAVE A  
03:11PM 2 LOT OF THE AGGRAVATING FACTORS THAT WERE PRESENT IN A NUMBER OF  
03:11PM 3 THE OTHER CASES. I SPECIFICALLY BROUGHT UP THE CASE I THINK IT  
03:11PM 4 WAS MS. CONNOLLY WHO RECEIVED THE 48-MONTH SENTENCE OUT OF  
03:11PM 5 COLORADO WHO JOINED A U.S. ARMY PROGRAM AND SHE RECEIVED FIRST  
03:12PM 6 AID TRAINING AND SHE HAD FIREARM TRAINING AND THE FBI MET WITH  
03:12PM 7 HER MULTIPLE TIMES BEFORE SHE WAS ACTUALLY ARRESTED AT THE  
03:12PM 8 AIRPORT AS A COMPARISON TO WHAT WAS GOING ON IN MR. NATSHEH'S  
03:12PM 9 CASE.

03:12PM 10 AND THEN I WOULD ALSO DRAW THE COURT'S ATTENTION TO A  
03:12PM 11 NUMBER OF OTHER CASES THAT I HAVE RECENTLY BECOME AWARE OF IN  
03:12PM 12 SPEAKING FURTHER WITH MS. ATWAL IN MINNEAPOLIS. HER TWO  
03:12PM 13 CLIENTS INVOLVED IN THE CASES THAT THE JUDGE THERE HAD RECENTLY  
03:12PM 14 BEEN SENTENCED. ONE RECEIVED PROBATION. ANOTHER CLIENT  
03:12PM 15 RECEIVED A SENTENCE OF LESS THAN EIGHT YEARS OR TEN YEARS AND  
03:12PM 16 ONE RECEIVED A SENTENCE OF I BELIEVE LESS THAN FOUR YEARS.

03:12PM 17 IN EACH OF THOSE CASES WHAT THE JUDGE BASICALLY NOTICED  
03:12PM 18 WAS THAT TIME IN CUSTODY IS NOT GOING TO MAKE ANY DIFFERENCE  
03:12PM 19 FOR ANY OF THESE INDIVIDUALS. THERE ARE PROGRAMS THAT HELPED  
03:12PM 20 WITH ANTI-RADICALIZATION. THERE'S NOT -- IT'S A SITUATION  
03:12PM 21 WHERE INDIVIDUALS WERE MAKING DECISIONS BASED OFF OF WHAT THEY  
03:12PM 22 BELIEVED WAS SOMETHING THAT THEY WERE GOING TO DO AND IN A  
03:13PM 23 LARGE PART FOR WHAT HE SAW WAS A HUMANITARIAN REASON. THESE  
03:13PM 24 WERE INDIVIDUALS WHO HAD DONE THINGS HERE IN THE UNITED STATES  
03:13PM 25 WHO WERE SAYING THEMSELVES WHO WERE PREPARING TO UNDERTAKE

03:13PM 1 VIOLENT ACTIONS, BUT THEY HAD ALL BEEN RECRUITED TO ISIL, AS I  
03:13PM 2 MENTIONED, PRE-2015 WHEN ISIL'S DIRECTIONS AND PROPAGANDA WERE  
03:13PM 3 MORE DIRECTED TOWARDS A HUMANITARIAN BET.

03:13PM 4 YES, THEY POSTED PICTURES OF THEMSELVES WITH GUNS AND,  
03:13PM 5 YES, THEY POSTED PICTURES OF THEMSELVES DOING CERTAIN THINGS  
03:13PM 6 BUT THEY WERE DOING SO AS WE ARE FREEDOM FIGHTERS AND WE'RE  
03:13PM 7 TRYING TO HELP OUR BROTHERS WITH FIGHTING ARMS IN SYRIA.

03:13PM 8 THE COURT: BUT AS MS. BECKER DIRECTED ME TO, I  
03:13PM 9 REALIZE THERE ARE SOME ASPECTS OF THE STATEMENT THAT INDICATES  
03:13PM 10 MR. NATSHEH BACKED OFF FROM IT AND THEN ALSO ENCOURAGED THE  
03:13PM 11 MINOR INDIVIDUAL WE DISCUSSED NOT TO ENGAGE IN ANY ACTIVITIES.

03:13PM 12 BUT AT ONE POINT HE CONSIDERED ENGAGING IN VIOLENT CONDUCT  
03:14PM 13 IN THIS COUNTRY.

03:14PM 14 MS. MITCHELL: AND THEN MADE THE CORRECT DECISION  
03:14PM 15 NOT TO.

03:14PM 16 THE COURT: WELL, TRUE.

03:14PM 17 MS. MITCHELL: BUT THAT'S A SIGN OF -- HE  
03:14PM 18 SPECIFICALLY TOLD THE JUVENILE DO NOT DO ANYTHING HERE IN THE  
03:14PM 19 UNITED STATES.

03:14PM 20 AND --

03:14PM 21 THE COURT: BUT TO SOME EXTENT TO YOUR POINT THAT  
03:14PM 22 THE MOTIVATION HERE IS ENTIRELY FOCUSSED ON YOU SAID SOMETHING  
03:14PM 23 TO THE EFFECT OF HUMANITARIAN ASPECTS OF THIS. I DON'T THINK I  
03:14PM 24 CAN CHARACTERIZE IT IN THAT FASHION.

03:14PM 25 MS. MITCHELL: I WOULDN'T SAY WHOLLY BUT IT WAS --

03:14PM 1 THE PROPAGANDA THAT ISIL WAS DIRECTING TOWARDS INDIVIDUALS IN  
03:14PM 2 AN ATTEMPT TO RECRUIT THEM WAS NOT AS AN EXPERT HAD NOTICED IN  
03:14PM 3 2015, MID-2015, THE SHIFT IN WHAT THEY WERE DOING AND HOW THEY  
03:14PM 4 PRESENTED THEMSELVES CHANGED.

03:14PM 5 ISIL CHANGED FROM A DIRECTIVE MORE TOWARDS -- AND THIS IS  
03:14PM 6 DEEP INTO THE PROPAGANDA. IT'S NOT THE SURFACE STUFF THAT WE  
03:14PM 7 ALL SEE AND WE GET AGHAST AT. IT IS THE CALL TO WE HAVE PEOPLE  
03:15PM 8 HERE THAT WE SHOULD FEEL SOLIDARITY WITH AND WE'RE SEPARATING.  
03:15PM 9 NO ONE IS DOING ANYTHING ABOUT IT, AND WE NEED TO BE THE  
03:15PM 10 PEOPLE.

03:15PM 11 THE COURT: NO. I READ THROUGH THE EXTENSIVE  
03:15PM 12 BACKGROUND THAT YOU'VE PROVIDED FOR ME.

03:15PM 13 YOU KNOW, THE ISSUE THAT I WAS DISCUSSING WITH MS. BECKER  
03:15PM 14 THAT I'M MULLING OVER IS, AS I INDICATED BEFORE, AND I THINK  
03:15PM 15 SHE DOESN'T DIRECTLY DISPUTE, MR. NATSHEH WAS APPREHENDED AT A  
03:15PM 16 POINT WHERE VERY LITTLE IN TERMS OF ACTUAL EFFORT HAD TAKEN  
03:15PM 17 PLACE. SO IT WAS EARLY IN THE GAME, IF YOU WILL.

03:15PM 18 MS. MITCHELL: YES, THAT IS CORRECT.

03:15PM 19 THE COURT: THAT IS BOTH IN THE ONE SENSE FORTUNATE,  
03:15PM 20 VERY FORTUNATE FOR HIM THAT HE WAS APPREHENDED IN MANY WAYS.

03:15PM 21 BUT THEN THE QUESTION IS, TO PUT IT QUITE BLUNTLY, HOW  
03:15PM 22 MUCH CREDIT DOES HE GET FOR HAVING BEEN STOPPED EARLY IN THE  
03:16PM 23 PROCESS? HE DOES REPRESENT THE PROSPECT THAT HAD HE SUCCEEDED  
03:16PM 24 IN GOING TO SYRIA, HE WAS, AS THE GOVERNMENT POINTS OUT, AN  
03:16PM 25 AMERICAN CITIZEN, HAD THE RADICALIZATION GONE A BAD WAY, HE

03:16PM 1 COULD HAVE WELL RETURNED TO THE UNITED STATES AND POSED A  
03:16PM 2 SIGNIFICANT DANGER.

03:16PM 3 SO, IN OTHER WORDS, YES, IN TERMS OF LOOKING AT SOME OF  
03:16PM 4 THE COMPARABLES, HE'S IN THE GROUP THAT DIDN'T GET VERY FAR,  
03:16PM 5 BUT SHOULDN'T I TAKE INTO ACCOUNT THE PROSPECT THAT HAD HE  
03:16PM 6 GOTTEN AS FAR AS HE WANTED, HE COULD REPRESENT A VERY SERIOUS  
03:16PM 7 DANGER TO THE UNITED STATES?

03:16PM 8 MS. MITCHELL: THE COURT CAN TAKE THAT INTO  
03:16PM 9 CONSIDERATION, BUT THE COURT CAN ALSO TAKE INTO CONSIDERATION  
03:16PM 10 THAT MR. NATSHEH COULD HAVE GOTTEN TO TURKEY AND DECIDED TO  
03:16PM 11 COME BACK OR HE COULD HAVE GOTTEN TO SYRIA, THE BORDER, AND  
03:16PM 12 DECIDED TO COME BACK.

03:16PM 13 THE COURT: SHOULD I MAKE ALL OF THE INFERENCES IN  
03:16PM 14 HIS FAVOR?

03:16PM 15 MS. MITCHELL: I DON'T THINK THAT THE COURT HAS TO  
03:16PM 16 MAKE ANY INFERENCES ONE WAY OR ANOTHER ABOUT HOW IT COULD HAVE  
03:17PM 17 GONE WORSE OR IT COULD HAVE GONE BETTER.

03:17PM 18 FRANKLY, THE PROBLEM IS WITH THIS OFFENSE, HE COMMITTED --  
03:17PM 19 THE MOMENT HE PURCHASED THE PLANE TICKET IS WHEN THE GOVERNMENT  
03:17PM 20 ESSENTIALLY COULD HAVE ARRESTED HIM FOR IT AND ANYWHERE ALONG  
03:17PM 21 THAT LINE MANY DIFFERENT THINGS COULD HAVE HAPPENED ONE WAY OR  
03:17PM 22 ANOTHER.

03:17PM 23 THE COURT: TRUE.

03:17PM 24 MS. MITCHELL: MR. NATSHEH, HOWEVER, WAS STOPPED AT  
03:17PM 25 A POINT WHERE ALL OF THE THINGS LEADING UP TO THE POINT WHERE

HE WAS STOPPED THE COURT CAN LOOK AT AS DEFINITIVE SIGNS THAT THIS IS VERY LOW ON THE SCALE OF OTHER INDIVIDUALS WHO HAVE TAKEN A MUCH GREATER PREPARATION AND INVOLVED OTHER PEOPLE AND DONE FINANCIAL CONTRIBUTIONS, AND MANY OTHER THINGS THAT HE HIMSELF NOT DONE.

WHAT THE COURT CAN ALSO TAKE INTO CONSIDERATION IS WHERE HE IS AND WHAT IS MORE LIKELY TO HAPPEN TO HIM AFTER HE GETS RELEASED. HE'S STILL A VERY YOUNG MAN WHO HAS NOT EXHIBITED TO MYSELF, I THINK TO THE GOVERNMENT, SIGNS THAT HE IS NOT A PERSON WHO COULD BE A U.S. CITIZEN WITH NO DANGER TO ANYONE ELSE.

HE IS NOT SO RADICALIZED THAT HE STRIKES FEAR WITH EVERYTHING HE SAYS; THAT HE CANNOT AND WILL NOT BE A PERSON WHO CAN CONTRIBUTE TO SOCIETY. HE'S A 21-YEAR-OLD AND WHO ACTS LIKE A 21-YEAR-OLD DOES AND WHO THINKS LIKE A 21-YEAR-OLD DOES.

HE HAS NOT HAD THE CHANCE YET TO REALLY TAKE A LOOK AT WHERE HE WAS GOING IN HIS LIFE. AND WHAT WAS GOING ON AND REALLY THINK THROUGH WHAT WAS HAPPENING.

INSTEAD, HE GOT A CREDIT CARD. HE DIDN'T SAVE UP MONEY FOR MONTHS TO BE ABLE TO MAKE THIS TRIP. HE HAD NO OTHER FUNDS WITH HIM ASIDE FROM A CREDIT CARD THAT HE WAS GOING TO USE TO MAKE THIS TRIP. THIS IS NOT A WELL-THOUGHT-OUT PLAN OF A PERSON WHO HAS BEEN THINKING ABOUT DOING THIS FOREVER AND ACTUALLY TAKING STEPS TO DOING IT.

THIS IS A TEENAGER WHO IS SO DEPRESSED THAT HE SPENT A

03:19PM 1 WEEK IN HIS ROOM AND DIDN'T EAT OR DRINK AND HAD HIS PARENTS  
03:19PM 2 CALLING FAMILY FRIENDS WHO THEN GOT ON THE PHONE WITH HIM WHILE  
03:19PM 3 HE SOBBED AND HIM SAYING I'M SO DEPRESSED AND I CAN'T FIGURE  
03:19PM 4 OUT WHAT TO DO WITH MY LIFE.

03:19PM 5 THE COURT: OF COURSE THE DILEMMA WE FACE IS THE  
03:19PM 6 PROFILE IS PRECISELY A PROFILE OF SOMEONE WHO CAN BE QUITE  
03:19PM 7 DANGEROUS.

03:19PM 8 MS. MITCHELL: AND IT IS ALSO THE PROFILE OF A  
03:19PM 9 PERSON WHO IF GIVEN A CHANCE TO GROW UP AND GIVE THEM SOME  
03:19PM 10 MATURITY AND THINK ABOUT THINGS AND WHO COULD COME OUT OF  
03:19PM 11 CUSTODY AND BE PERFECTLY FINE. AND THAT'S WHO I BELIEVE HE IS.

03:19PM 12 WHILE THE GOVERNMENT ATTEMPTS TO DISCOUNT SOME OF THE  
03:19PM 13 FACTORS THAT WE'VE BROUGHT FORTH, THE STRONG FAMILY  
03:19PM 14 INVOLVEMENT, I THINK IT'S VERY CLEAR THAT HAD ANY OF THE FAMILY  
03:19PM 15 MEMBERS ACTUALLY KNOWN THAT HIS ACT OF GETTING ON THE PLANE,  
03:19PM 16 HIS FATHER WHO HAD DEMONSTRATED SOME STRONG DISCIPLINE BEFORE  
03:19PM 17 WOULD HAVE CONTINUED TO DO THAT AND DONE EVERYTHING IN HIS  
03:19PM 18 POWER TO PREVENT HIM FROM DOING THAT.

03:19PM 19 THAT HE COOPERATED WITH LAW ENFORCEMENT WHILE THE  
03:19PM 20 GOVERNMENT SAYS THAT THAT'S GREAT THAT HE DID THAT, I THINK  
03:20PM 21 THAT THAT SHOWS THAT MR. NATSHEH IS APPROACHABLE, THAT HE'S  
03:20PM 22 AMENABLE TO WORKING WITH OTHERS AND THAT HE WAS ATTEMPTING TO  
03:20PM 23 TRY TO MAKE RIGHT WHAT HAPPENED.

03:20PM 24 THAT HE HAD BEEN SUFFERING FROM DEPRESSION FOR A VERY LONG  
03:20PM 25 PERIOD OF TIME, AND THAT WAS DEMONSTRATED BY OTHER PEOPLE.

03:20PM 1 WHILE MR. NATSHEH DIDN'T HAVE LONG-TERM CONTACTS WITH DOCTORS,  
03:20PM 2 HE DID HAVE VERY RECOGNIZABLE SIGNS THAT WERE VISIBLE TO  
03:20PM 3 EVERYONE ELSE WHO COULD SAY THAT THIS IS A PERSON WHO WAS  
03:20PM 4 DEPRESSED, AND THEY WERE TRYING TO GET HIM SOME ASSISTANCE.

03:20PM 5 IT IS VERY EASY TO SAY THAT IT IS A SCARY THING THAT HE  
03:20PM 6 WAS GOING TO DO AND ISIL IS A VERY SCARY ORGANIZATION SO WE  
03:20PM 7 SHOULD PUT HIM IN CUSTODY FOR A LONG TIME.

03:20PM 8 BUT FOR WHO HE IS AND THE STEPS THAT HE ACTUALLY TOOK IN  
03:20PM 9 ANTICIPATION OF GETTING ON THE PLANE, I THINK THAT IT'S  
03:20PM 10 APPARENT THAT FIRST A LOWER SENTENCE IS APPROPRIATE FOR HIM,  
03:20PM 11 AND, IN FACT, THAT NOW THAT WE'RE GETTING AND STARTING TO LOOK  
03:20PM 12 AT MORE OF THESE TYPES OF CASES WHERE THE GOVERNMENT IS  
03:21PM 13 ACTUALLY BEING ABLE TO GO THROUGH AND DO THE PROSECUTION AND  
03:21PM 14 INVOLVING THE SCIENCE, WHICH IS SOMETHING THAT HAS RECENTLY  
03:21PM 15 STARTED HAPPENING WITH RADICALIZATION AND WHY PEOPLE BECOME  
03:21PM 16 RADICALIZED, I THINK WE'RE ON A TREND OF SEEING SOME OF THESE  
03:21PM 17 TYPES OF CASES WHERE WE START GETTING MORE DOCTORS AND MORE  
03:21PM 18 PEOPLE INVOLVED WHERE WE CAN SAY THIS IS A PERSON WHO IS OF  
03:21PM 19 CONCERN BECAUSE OF THE ACTS THAT THEY HAVE DONE AND IN THIS  
03:21PM 20 CASE I DON'T SEE THAT WITH MR. NATSHEH. I DON'T SEE THE NEED  
03:21PM 21 TO PUT HIM AWAY FOR A LONG PERIOD.

03:21PM 22 FRANKLY, I THINK FOUR YEARS IS STILL A VERY SUBSTANTIAL  
03:21PM 23 AMOUNT OF TIME FOR THIS OFFENSE, BUT IN COMPARISON TO THE OTHER  
03:21PM 24 TYPES OF OFFENSES THAT ARE OUT THERE, THE OTHER SENTENCES THAT  
03:21PM 25 ARE OUT THERE, I THOUGHT IT WAS A REASONABLE SENTENCE TO US.

03:21PM 1 THE COURT: BEFORE I GOT TO MR. NATSHEH, MS. BECKER.

03:21PM 2 MS. BECKER: THANK YOU, YOUR HONOR. I WOULD LIKE TO  
03:21PM 3 ADDRESS A FEW OF THE ISSUES THAT BOTH THE COURT AND  
03:21PM 4 MS. MITCHELL RAISED.

03:21PM 5 WITH RESPECT TO PROPAGANDA, WHILE IT DOES SEEM CLEAR THAT  
03:22PM 6 MR. NATSHEH DID ACCOMPLISH SOME PROPAGANDA, IT'S IMPORTANT TO  
03:22PM 7 KNOW THE TYPE OF PROPAGANDA THAT HE WAS FOLLOWING INCLUDING, AS  
03:22PM 8 PUT IN OUR PAPERS AND AS TERRIBLE AS IT IS TO REPEAT, THE  
03:22PM 9 PROPAGANDA THAT HE WAS FOLLOWING AND REPOSTING AND SHARING WITH  
03:22PM 10 OTHERS WAS THAT OF THAT CAGED JORDANIAN PILOT WHO WAS BURNED  
03:22PM 11 ALIVE. THAT'S THE PROPAGANDA HE WAS FOLLOWING, NOT A NIKE AD  
03:22PM 12 WITH ISIL OR A SNICKERS AD WITH ISIL. HE WAS INTERESTED IN THE  
03:22PM 13 MOST BRUTAL OF PROPAGANDA.

03:22PM 14 I WOULD ALSO DISAGREE WITH THE IDEA THAT THE DEFENDANT WAS  
03:22PM 15 APPREHENDED EARLY IN THE GAME. THE GOVERNMENT'S POINT IS  
03:22PM 16 ACTUALLY TO THE CONTRARY. HE WAS APPREHENDED AT THE VERY END  
03:22PM 17 OF THE GAME. HE WAS ARRESTED AS HE WAS ABOUT TO BOARD HIS  
03:22PM 18 PLANE. THERE WAS NOTHING LEFT FOR HIM TO DO TO COMPLETE THE  
03:22PM 19 ACT OTHER THAN TO GET THERE.

03:22PM 20 EVERY OTHER ASPECT OF MATERIAL SUPPORT WAS COMMITTED. YOU  
03:23PM 21 DON'T HAVE TO TRAIN IN THE UNITED STATES PRIOR TO LEAVING IN  
03:23PM 22 ORDER TO COMMIT AN ACT OF TERRORISM ELSEWHERE. YOU DON'T HAVE  
03:23PM 23 TO KNOW THOSE COMBAT SKILLS. HE WAS INTENDING ON FIGHTING  
03:23PM 24 THERE REGARDLESS OF WHETHER OR NOT HE LEARNED HOW TO DO SO HERE  
03:23PM 25 OR HE LEARNED HOW TO DO SO THERE.

03:23PM 1 SO HE WAS ACTUALLY ARRESTED AT THE VERY LAST STEP, NOT --  
03:23PM 2 IT MAY SEEM --

03:23PM 3 THE COURT: WELL, THAT'S TRUE, BUT THAT, TOO, FOR  
03:23PM 4 PURPOSES OF COMPLETING THE OFFENSE, I DON'T DISAGREE WITH YOU  
03:23PM 5 BUT IN TERMS OF ASSESSING THE RAMIFICATIONS OF -- THERE'S NO  
03:23PM 6 DOUBT THAT HE COMMITTED WHAT HE NEEDED TO COMMIT TO BE ADJUDGED  
03:23PM 7 GUILTY, AND I TOOK HIS PLEA. AND IF HE DIDN'T, I WOULDN'T HAVE  
03:23PM 8 TAKEN HIS PLEA.

03:23PM 9 BUT IT IS -- THERE IS -- IT COULD HAVE -- IT CONCLUDED  
03:23PM 10 WITH THAT, FRANKLY. HE COULD HAVE GONE OFF TO SYRIA AND WE  
03:23PM 11 NEVER HEARD OF HIM AGAIN. I MEAN, WE DON'T KNOW.

03:23PM 12 SO WHEN YOU COMPARE THAT TO THE OTHER CASES THAT YOU VIEW,  
03:23PM 13 AND MS. MITCHELL HAS PROVIDED TO ME, WHERE THERE IS MORE  
03:23PM 14 ACTIVITY IN CONJUNCTION WITH THE COMPLETION OF THE OFFENSE,  
03:24PM 15 THAT WAS MY POINT. I'M NOT SUGGESTING THAT HE DIDN'T COMPLETE  
03:24PM 16 THE OFFENSE BECAUSE I TOOK HIS PLEA.

03:24PM 17 MS. BECKER: YES, YOUR HONOR. I THINK COMPARED TO  
03:24PM 18 THE OTHER CASES, THERE ARE SOME CASES, YOU KNOW, I DON'T WANT  
03:24PM 19 TO REPEAT MYSELF, THAT ARE SIMILARLY SITUATED, AND THERE ARE  
03:24PM 20 OBVIOUSLY SOME, YES, THAT ARE MUCH MORE EGREGIOUS IN TERMS OF  
03:24PM 21 THE PREPARATION.

03:24PM 22 BUT AS MS. MITCHELL WAS COMMENTING ON MR. NATSHEH'S  
03:24PM 23 PREPARATION, THIS WAS NOT AN IMPULSIVE ACT ON HIS PART  
03:24PM 24 WHATSOEVER. HE HAD EXPRESSED FOR MONTHS AN INTEREST IN ISIL.  
03:24PM 25 HE WAS INTERVIEWED BY LAW ENFORCEMENT AUTHORITIES AT WHICH TIME

03:24PM 1 HE STATED THAT HE HAD CHANGED HIS WAYS AND HE WAS NO LONGER  
03:24PM 2 INTERESTED IN PURSUING THAT -- THOSE -- THAT WAY OR HIS  
03:24PM 3 THOUGHTS.

03:24PM 4 THE COURT: THE IMPORTANCE, THOUGH, IN MY MIND OF  
03:24PM 5 THIS ADDITIONAL ACTIVITY IS NOT JUST THAT THERE IS ADDITIONAL  
03:24PM 6 ACTIVITY.

03:24PM 7 IT'S JUST THAT WE CAN GLEAN FROM IN SOME OF THOSE CASES  
03:24PM 8 THE ADDITIONAL ACTIVITY GIVES US A PRETTY GOOD WINDOW OF THE  
03:24PM 9 INTENTION OF THE DEFENDANT.

03:25PM 10 IN THIS CASE WE HAVE ONE CLEAR INTENTION AND THAT IS TO GO  
03:25PM 11 TO SYRIA AND JOIN THIS ORGANIZATION. THAT'S THE ONLY REAL  
03:25PM 12 INTENTION THAT WE KNOW OF AT THIS POINT WHEREAS SOME OF THE  
03:25PM 13 OTHER CASES WHEN THERE ARE -- WHEN THEY'RE RECRUITING OTHERS  
03:25PM 14 AND WHEN THEY ARE DOING THAT KIND OF ACTIVITY, THAT'S AN  
03:25PM 15 ADDITIONAL HARM AND DANGER TO THE UNITED STATES BY DOING THAT.

03:25PM 16 SO THE POINT IS SIMPLY THAT WITH THAT ADDITIONAL ACTIVITY  
03:25PM 17 YOU CAN REALLY ASSESS THE MAGNITUDE OF THE DANGER IN A WAY THAT  
03:25PM 18 I THINK I'M HAVING A HARD TIME OF DOING HERE.

03:25PM 19 MS. BECKER: UNDERSTOOD. I DON'T HAVE ANY OTHER  
03:25PM 20 FACTS TO OFFER TO THE COURT OTHER THAN THE INTENDED TRAVEL WITH  
03:25PM 21 A MINOR.

03:25PM 22 THE COURT: RIGHT.

03:25PM 23 MS. BECKER: WE'RE NOT AWARE OF HIM OBTAINING  
03:25PM 24 MILITARY TRAINING IN THE UNITED STATES PRIOR TO LEAVING. WE  
03:25PM 25 DON'T KNOW WHAT WOULD HAVE HAPPENED HAD HE RETURNED TO THE

03:26PM 1 UNITED STATES. THERE ARE MANY OPEN QUESTIONS. SO THE  
03:26PM 2 GOVERNMENT AGREES WITH ALL THAT IT'S FORTUNATE THAT HE WAS  
03:26PM 3 STOPPED AT THE AIRPORT SO THAT BOTH HIS LIFE AND OTHERS WERE  
03:26PM 4 PROTECTED.

03:26PM 5 BUT GOING BACK TO THE THOUGHT THAT THIS WAS NOT AN  
03:26PM 6 IMPULSIVE ACT ON HIS PART, AGAIN, HE HAD BEEN COMMUNICATING FOR  
03:26PM 7 MONTHS ABOUT HIS INTENT TO JOIN ISIL. HE OBVIOUSLY HAD ALREADY  
03:26PM 8 BEEN RADICALIZED AND HAD BEEN COMMUNICATING WITH A MINOR ABOUT  
03:26PM 9 COMMITTING ACTS OVERSEAS. HE DID OPEN UP A NEW LINE OF CREDIT  
03:26PM 10 TO PURCHASE A TICKET AND HE EMPTIED HIS BANK ACCOUNT PRIOR TO  
03:26PM 11 LEAVING. THIS WAS A CONCERTED PLAN, AGAIN, NOT JUST SHOWING UP  
03:26PM 12 AT THE AIRPORT AND DECIDED TO GO FOR THE DAY.

03:26PM 13 SO MS. MITCHELL HAS OBVIOUSLY POINTED OUT SENTENCES THAT  
03:26PM 14 ARE AT THE LOW END. AS THE COURT HAS REVIEWED THE REPORT THAT  
03:26PM 15 WAS ATTACHED TO THE GOVERNMENT'S FIRST SENTENCING MEMORANDUM,  
03:26PM 16 THERE ARE OBVIOUSLY A NUMBER OF SENTENCES THAT ARE AT THE OTHER  
03:26PM 17 END. AGAIN, MANY OF THOSE CASES INVOLVE DIFFERENT  
03:26PM 18 CIRCUMSTANCES THAN THE CASE AT HAND, BUT, AGAIN, THERE ARE  
03:27PM 19 SEVERAL LETTERS STILL WITHIN THE HEARTLAND OF WHAT WE'RE  
03:27PM 20 LOOKING AT. AT THE TIME OF THE SENTENCES IN ALL OF THOSE CASES  
03:27PM 21 THE STATUTORY MAXIMUM WAS 15 YEARS AND THERE ARE, IN FACT,  
03:27PM 22 SEVERAL DEFENDANTS WHO RECEIVED 15 YEARS WHETHER THEY PLED OR  
03:27PM 23 WERE CONVICTED AT TRIAL.

03:27PM 24 THERE ARE SOME WHO RECEIVED A SLIGHTLY LESSER SENTENCE OF  
03:27PM 25 10 YEARS, AND THAT IS, IN FACT, WHAT THE GOVERNMENT IS

03:27PM 1 RECOMMENDING HERE BY RECOMMENDING 15 YEARS. THE STATUTORY  
03:27PM 2 MAXIMUM CHANGED IN THE MEANTIME TO 20 YEARS. THE GOVERNMENT IS  
03:27PM 3 RECOMMENDING A SENTENCE OF 15 YEARS AS BEING APPROPRIATE.  
03:27PM 4 GIVEN THE CIRCUMSTANCES OF THIS CASE, THEY ARE NOT AS EGREGIOUS  
03:27PM 5 AS SOME OF THE OTHERS BUT NEVERTHELESS DEMONSTRATE 100 PERCENT  
03:27PM 6 COMMITMENT TO COMMITTING THE ACT AS MUCH AS ANY OTHER  
03:27PM 7 DEFENDANTS IN ANY OF THOSE CASES.

03:27PM 8 THE COURT: THANK YOU.

03:27PM 9 MR. NATSHEH, THIS IS YOUR SENTENCING. YOU HAVE A RIGHT TO  
03:27PM 10 SPEAK DIRECTLY TO ME. YOU'RE NOT OBLIGATED TO DO SO. IT'S UP  
03:28PM 11 TO YOU.

03:28PM 12 BUT IF THERE IS ANYTHING YOU WANT TO SAY, NOW WOULD BE THE  
03:28PM 13 TIME TO SAY IT.

03:28PM 14 THE DEFENDANT: SO I JUST WANT TO SAY THAT --

03:28PM 15 THE COURT: WHY DON'T YOU MOVE THE MICROPHONE CLOSER  
03:28PM 16 TO YOU.

03:28PM 17 THE DEFENDANT: SO I JUST WANT TO SAY THAT I'M FULLY  
03:28PM 18 AWARE OF THE NATURE OF MY CRIME AND THE CONSEQUENCES THAT MY  
03:28PM 19 ACTIONS HAVE YIELD, AND WHAT I TRIED TO DO IS VERY WRONG AND IT  
03:28PM 20 SOUNDS REALLY UGLY, BUT I'M VERY FORTUNATE THAT I'M HERE EVEN  
03:28PM 21 THOUGH I'M INCARCERATED. MY DAD TELLS ME THAT ALL OF THE TIME  
03:28PM 22 BECAUSE THERE'S NO GUARANTEE THAT --

03:28PM 23 THE COURT: HE'S RIGHT.

03:28PM 24 THE DEFENDANT: -- THERE'S NO GUARANTEE THAT IF I  
03:28PM 25 WOULD HAVE SUCCESSFULLY MADE IT TO SYRIA THAT I WOULD BE ALIVE.

03:28PM 1 THE CONTEXT OF MY CRIME REQUIRED ME TO ABANDON MY FAMILY  
03:28PM 2 WITHOUT THE POSSIBILITY OF EVER SEEING THEM AGAIN, AND IT WAS  
03:28PM 3 REALLY AN ACT OF SELFISHNESS, AND I DIDN'T REALIZE HOW MUCH MY  
03:29PM 4 FAMILY NEEDED ME. IT WAS A DESPERATE ATTEMPT TO TRY TO DO  
03:29PM 5 SOMETHING TO MAKE MYSELF FEEL GOOD BY TRYING TO HELP OTHERS.

03:29PM 6 SO I KNOW THAT I HAVE A PROBLEM, AND I UNDERSTAND THAT I  
03:29PM 7 DO HAVE THE PROBLEM. AND I DON'T KNOW THE WAY THE DRUG  
03:29PM 8 PROGRAMS DO IT, BUT THE FIRST THING IS THAT YOU ACKNOWLEDGE  
03:29PM 9 THAT YOU HAVE A PROBLEM AND THEN YOU TRY TO SEE HOW IT  
03:29PM 10 HAPPENED.

03:29PM 11 SO I'VE READ A LOT INTO THE SUBJECT, AND I WAS REALLY  
03:29PM 12 MOVED EMOTIONALLY BY THE HUMANITARIAN CRISIS IN SYRIA, AND IT'S  
03:29PM 13 NOT AN UNDERSTATEMENT THAT THEY TOOK THAT OPPORTUNITY TO TAKE  
03:30PM 14 ADVANTAGE OF OUR EMOTIONS. REALLY THAT'S WHAT I WANTED TO DO  
03:30PM 15 WAS TO TRY TO HELP PEOPLE.

03:30PM 16 YOU KNOW, I HAVE A HISTORY OF DOING A LOT OF CHARITY WORK  
03:30PM 17 AND RAISING MONEY FOR THE PALESTINIANS IN GAZA AND FOR THE  
03:30PM 18 DROUGHT IN WEST AFRICA AND FOR MANY OTHER THINGS. AND THAT'S  
03:30PM 19 REALLY WHAT I WAS TRYING TO DO. IT JUST SOUNDS REALLY UGLY.  
03:30PM 20 IT'S A TERRORIST ORGANIZATION.

03:30PM 21 THE CHARGE IS A TERRORISM CHARGE, BUT I THINK IT'S -- MY  
03:30PM 22 CASE IS LESS SERIOUS THAN IT REALLY SOUNDS, BUT I'M NOT TRYING  
03:30PM 23 TO JUSTIFY WHAT I TRIED TO DO. IT WAS WRONG. I WAS IGNORANT.  
03:30PM 24 I WAS NAIVE. I WAS IMMATURE. AND I WAS JUST -- THE MOMENTS  
03:30PM 25 BEFORE GETTING A -- BEFORE TRYING TO GET ON THE PLANE I JUST --

03:30PM 1 MY WHOLE THINKING WAS JUST CLOUDY AND NOW I CAN SEE THAT  
03:31PM 2 THERE'S SO MANY DIFFERENT WAYS THAT I COULD HAVE HAD HELP BUT,  
03:31PM 3 YOU KNOW, MY OLD WAY OF THINKING WAS WRONG, THE WAY I TRIED TO  
03:31PM 4 HELP THE PEOPLE WAS WRONG, AND I LOST DIRECTION.

03:31PM 5 AND I'M GOING TO BETTER MYSELF, AND I HAVE THE SUPPORT OF  
03:31PM 6 MY FAMILY, MY FRIENDS. I LOVE THEM. THEY'VE REALLY HELPED ME  
03:31PM 7 IN THIS PROCESS TO TRANSITION FROM MY OLD WAY OF THINKING. SO  
03:31PM 8 THAT'S WHAT I'VE BEEN FOCUSSED ON IN THE PAST 11 MONTHS,  
03:31PM 9 FOCUSSED ON RESTRUCTURING MYSELF MENTALLY, PSYCHOLOGICALLY,  
03:31PM 10 AND I'VE REALIGNED MY FOCUS ON FINISHING MY EDUCATION, BUILDING  
03:31PM 11 A STRONG BOND WITH FAMILY AND AMBITIONS OF OPENING MY OWN  
03:32PM 12 BUSINESS.

03:32PM 13 THE FAMILY AND FRIENDS WHO ARE HERE TODAY, THEY CONTINUE  
03:32PM 14 TO STAND BY ME AND THEY KNOW THAT I HAVE THE CHARACTER TO KEEP  
03:32PM 15 ON GOING AND TO SUCCEED IN THIS LIFE, AND I JUST HOPE THAT YOU  
03:32PM 16 SEE THAT, TOO, AND THAT YOU FEEL STRONG AND CONFIDENT THAT I  
03:32PM 17 HAVE MORE TO OFFER MY COUNTRY, MY COMMUNITY BY BEING A  
03:32PM 18 PRODUCTIVE CITIZEN AGAIN.

03:32PM 19 AND I HAVE A GOOD HEART. I'M A GOOD PERSON AND I JUST --  
03:32PM 20 I STRAYED OFF THE PATH AND GETTING ARRESTED IS PROBABLY THE  
03:32PM 21 MOST FORTUNATE THING TO HAPPEN.

03:32PM 22 AND I JUST NEED HELP.

03:32PM 23 THE COURT: AS YOU KNOW FROM THE DISCUSSION THAT  
03:33PM 24 WE'VE JUST HAD AND IN THE MATERIALS THAT I'VE REVIEWED YOU  
03:33PM 25 CERTAINLY HAVE A FIRST AMENDMENT RIGHT TO SAY -- EXPRESS YOUR

1 VIEWS, BUT YOU UNDERSTAND THAT SOME OF THE THINGS THAT WERE  
2 POSTED BEFORE THIS TRIP THAT INDICATED ON YOUR PART SOME  
3 ACCEPTANCE OF SOME REALLY REVOLTING AND HORRIBLE THINGS.

4 HOW CAN YOU -- AND YOU'VE INDICATED TO ME THAT YOU'VE SEEN  
5 YOUR WAYS. HOW CAN I KNOW THAT? WHAT CAN YOU TELL ME TO  
6 CAUSE -- TO MAKE SURE THAT I UNDERSTAND THAT YOU'VE LOOKED AT  
7 THOSE THINGS AND REALIZED HOW HORRIFIC THEY REALLY ARE AND THAT  
8 THEY'RE NOT HUMANITARIAN AND ALL OF THAT? WHAT CAN YOU TELL ME  
9 ON THAT?

10 THE DEFENDANT: JUST EVERYTHING I'VE BEEN READING IN  
11 THE NEWSPAPER AND SEEING ON THE NEWS AND THE RECENT EVENTS THAT  
12 HAPPENED IN EUROPE AND THE UNITED STATES, IT JUST BECOMES MORE  
13 APPARENT THAT THEY'RE NO DIFFERENT THAN AL-QUEDA, BUT THEY TRY  
14 TO POSE THEMSELVES DIFFERENT THAN AL-QUEDA BY SAYING THAT, YOU  
15 KNOW, WE'RE TRYING TO HELP THE PEOPLE AND WE'RE DOING ALL OF  
16 THESE THINGS AND ME BEING NAIVE, THEY TOOK ADVANTAGE OF ME AND  
17 MY EMOTIONS AND BASICALLY SAID, WELL, HERE'S THE FOUNDATION FOR  
18 YOU TO DO THAT TO HELP AND WE HAVE ALL OF THE RESOURCES THAT  
19 YOU NEED AND THEY JUST -- THAT WAS MORE -- IT WAS MORE  
20 APPEALING AT THE TIME TO GO AND DO THAT.

21 THE PROPAGANDA IS REALLY POWERFUL. LIKE, NONE OF, NONE OF  
22 THE STUFF THAT WAS COMING OUT OF SYRIA WOULD AFFECT YOU TO TRY  
23 TO MAKE YOU DO SOMETHING EXCEPT THAT GROUP, AND THEY WERE THE  
24 ONLY GROUP TO BE DOING SOME TYPE OF PROPAGANDA THAT WOULD  
25 ACTUALLY MOVE ME TO DO THINGS.

03:35PM 1 AND IT'S WRONG AND THAT'S NOT WHAT I SUPPORT ANYMORE, AND  
03:35PM 2 I DON'T KNOW HOW LONG I HAVE TO STAY IN JAIL FOR THE GOVERNMENT  
03:35PM 3 OR FOR THE COMMUNITY TO BE COMFORTABLE AND SAYING, OKAY, I  
03:35PM 4 THINK HE'S COOL. ALL RIGHT, HE'S NOT RADICALIZED ANYMORE.

03:35PM 5 THIS IS THE FIRST TIME BEING IN THE CRIMINAL JUSTICE  
03:35PM 6 SYSTEM AND JUST GIVE ME A CHANCE TO TRY, JUST TRY ME. THAT'S  
03:35PM 7 WHAT I'M ASKING. TRY ME AND SEE HOW I DO AND SEE HOW I  
03:35PM 8 PROGRESS.

03:35PM 9 THE COURT: THANK YOU. YOUR HONOR.

03:35PM 10 MS. MITCHELL: YOUR HONOR, I WOULD JUST ADD THAT  
03:35PM 11 I'VE HAD A LOT OF OPPORTUNITY TO SIT AND MEET WITH MR. NATSHEH,  
03:35PM 12 AND I HAVE BEEN PERSONALLY AFFECTED BY THE LOSS OF THE LIFE OF  
03:35PM 13 ONE OF MY FRIENDS DIRECTLY FROM ISIL IN A VERY PUBLIC AND  
03:36PM 14 HORRIBLE WAY. ONE OF MY FRIENDS WAS ACTUALLY BEHEADED, AND IT  
03:36PM 15 WAS IN THE YOUTUBE VIDEO THAT WENT EVERYWHERE.

03:36PM 16 WHEN I SIT AND I TALK TO MR. NATSHEH, I DON'T FEEL THAT HE  
03:36PM 17 IS CAPABLE OF DOING THOSE KINDS OF ACTS. WHEN I SIT AND I TALK  
03:36PM 18 TO HIM, I SEE A YOUNG KID WHO HAS BEEN INVOLVED IN A -- FOR A  
03:36PM 19 LONG TIME IN TRYING TO DO THINGS HE SEES FOR COMMUNITIES THAT  
03:36PM 20 ARE DISADVANTAGED. AND I SEE SOMEONE WHO WAS TRYING TO DO THAT  
03:36PM 21 AND IN A VERY WRONG WAY, BUT HE WAS TRYING TO DO THAT.

03:36PM 22 THE COURT: OF COURSE, THE -- JUST A FACT THAT HE --  
03:36PM 23 MR. NATSHEH HAS TO UNDERSTAND IS THAT THIS NOW IS BIGGER THAN  
03:36PM 24 MR. NATSHEH. IT'S ALSO A DETERRENCE ISSUE, AND THERE ARE SADLY  
03:37PM 25 OTHERS OUT THERE WHO I HEARD WHAT MR. NATSHEH SAID, AND I

03:37PM 1 APPRECIATE IT, AND I BELIEVE IT'S HEARTFELT, BUT IT ISN'T,  
03:37PM 2 UNFORTUNATELY FOR HIM, JUST ABOUT HIM ANYMORE.

03:37PM 3 SO THE PROCESS HAS TO SEND THE MESSAGE TO OTHERS WHO FIND  
03:37PM 4 THEMSELVES LIKE HIM THAT IT'S NOT A LARK, IT'S NOT A FROLIC.  
03:37PM 5 YOU DO WHAT WAS DONE HERE BECAUSE FORTUNATELY HE WAS  
03:37PM 6 APPREHENDED. THE COURT COULD GO FURTHER. AND HOPEFULLY HE  
03:37PM 7 WILL LEAD A PRODUCTIVE LIFE, AND HE WILL HAVE THE OPPORTUNITY  
03:37PM 8 TO DO THAT.

03:37PM 9 BUT THE WORD HAS TO GO OUT TO OTHERS IN THE COMMUNITY THAT  
03:37PM 10 WE WON'T SAY, OH, THAT'S OKAY BECAUSE IT'S NOT OKAY. SO IT IS  
03:37PM 11 BIGGER THAN JUST THIS DEFENDANT.

03:37PM 12 ANY LEGAL REASON WHY SENTENCE MAY NOT BE IMPOSED AT THIS  
03:37PM 13 TIME?

03:37PM 14 MS. BECKER: YES, YOUR HONOR.

03:37PM 15 MS. MITCHELL: NO, YOUR HONOR.

03:37PM 16 THE COURT: MY TASK, AS YOU KNOW, IS TO APPLY THE  
03:38PM 17 FACTORS THAT ARE SET FORTH UNDER 18 U.S.C. SECTION 3553(A),  
03:38PM 18 THAT DIRECTS ME TO IMPOSE A SENTENCE THAT IS SUFFICIENT BUT NOT  
03:38PM 19 GREATER THAN NECESSARY.

03:38PM 20 WE'VE HAD A LOT OF DISCUSSION HERE SO I DON'T HAVE TO GO  
03:38PM 21 THROUGH ALL OF IT AGAIN, BUT NO DOUBT THIS IS A SERIOUS OFFENSE  
03:38PM 22 AND IT IS, HOWEVER ONE MAY WANT TO CHARACTERIZE IT AT THE END  
03:38PM 23 OF THE DAY, ATTEMPTING TO PROVIDE AID TO A MURDEROUS TERRORIST  
03:38PM 24 ORGANIZATION, AND FORTUNATELY BOTH FOR MR. NATSHEH AND FOR  
03:38PM 25 EVERYONE ELSE HE WAS APPREHENDED BEFORE HE COULD JOIN THOSE

03:38PM 1 EFFORTS. AND WE WON'T REALLY EVER KNOW WHAT MIGHT HAVE  
03:38PM 2 TRANSPIRED, BUT WE CERTAINLY COULD HAVE FACED THE PROSPECT IN  
03:38PM 3 PARTICULAR BECAUSE OF HIS CITIZENSHIP AND HE COULD HAVE COME  
03:38PM 4 BACK TO THE UNITED STATES AT SOME POINT, AT A POINT WHERE THAT  
03:38PM 5 COULD HAVE BEEN DANGEROUS.

03:38PM 6 AT THE SAME TIME, I DO RECOGNIZE THAT MR. NATSHEH IS AND  
03:39PM 7 WAS AT THE TIME OF THIS OFFENSE A TROUBLED YOUNG MAN. HE WAS  
03:39PM 8 BATTLING DEPRESSION AND ALIENATION, NOT THAT THAT'S AN EXCUSE,  
03:39PM 9 BUT MORE IMPORTANTLY, HE DID DO THE BASIC ACTIVITY THAT  
03:39PM 10 WARRANTS THE CONVICTION BUT NOT MUCH MORE.

03:39PM 11 THERE WASN'T ANY TRAINING. THERE WEREN'T ANY WEAPONS  
03:39PM 12 INVOLVED. THERE WASN'T ANY PROVIDING FINANCIAL ASSISTANCE.  
03:39PM 13 THERE DOESN'T APPEAR TO HAVE BEEN ANY DIRECT EFFORT TO RECRUIT  
03:39PM 14 OTHERS. THE CONDUCT REALLY WAS RESTRICTED TO STARTING THE  
03:39PM 15 PROCESS OF JOINING UP WITH A TERRORIST ORGANIZATION.

03:39PM 16 THE TERRORIST ENHANCEMENT AND THE STATUTORY MAXIMUM, I  
03:39PM 17 THINK, ARE INTENDED FOR VERY DIFFERENT CASES THAN WE HAVE HERE.  
03:39PM 18 I MEAN, IT'S AN IMPORTANT STATUTE DIRECTED TO IMPORTANT  
03:39PM 19 ACTIVITY THAT IS VERY DANGEROUS TO THE UNITED STATES, BUT THIS  
03:39PM 20 CASE IS REALLY MUCH MORE SIMILAR ALONG THE LINES OF THE CASES  
03:40PM 21 THAT HAVE INVOLVED REALLY ONE END OF THE SPECTRUM OF ACTUAL  
03:40PM 22 CONDUCT.

03:40PM 23 SO THOSE ARE THE CASES THAT I'M LOOKING TO, AND I THINK  
03:40PM 24 THE RANGE OF THOSE CASES, AS I LOOKED AT THE COMPARABLES THAT  
03:40PM 25 WERE PROVIDED TO ME, AND I KNOW MS. MITCHELL SAID THAT THERE

03:40PM 1 WAS A RECENT PROBATIONARY SENTENCE, BUT IT APPEARED THAT MOST  
03:40PM 2 OF THE SENTENCES WERE IN MOST OF THE 36- TO 84-MONTH RANGE, AND  
03:40PM 3 I THINK SOMEWHERE IN THAT RANGE IS THE APPROPRIATE PLACE TO SET  
03:40PM 4 THIS.

03:40PM 5 SO I THINK -- AND I THINK A LONG TERM OF SUPERVISED  
03:40PM 6 RELEASE IS IMPORTANT, AND WE HAD THAT DISCUSSION ABOUT PROGRAMS  
03:40PM 7 THAT MAY ACTUALLY DIRECTLY GO TO SOME OF THESE CONCERNS. I'M  
03:40PM 8 NOT SUGGESTING THAT MR. NATSHEH IS NOT BEING ENTIRELY SINCERE.  
03:40PM 9 HE'S SEEN, AS HE SAID, THE ERRORS OF HIS WAY, AND HE'S NOT  
03:40PM 10 GOING THE RADICAL ROUTE, BUT I STILL WISH WE HAD BETTER  
03:40PM 11 PROGRAMS THAT WOULD ASSIST IN THAT DIRECTION.

03:40PM 12 SO I THINK IT IS A SIGNIFICANT SENTENCE TO IMPOSE A  
03:41PM 13 60-MONTH SENTENCE. THAT'S A LONG TIME. AND I THINK FOR  
03:41PM 14 SOMEONE IN MR. NATSHEH'S POSITION, HE WOULD PROBABLY VIEW THAT  
03:41PM 15 AS A VERY LONG TIME. BUT I THINK IT DOES SEND THE MESSAGE TO  
03:41PM 16 THE COMMUNITY THAT THERE'S A COST ASSOCIATED WITH ENGAGING IN  
03:41PM 17 THIS ACTIVITY WHICH IN A DIFFERENT CONTEXT COULD HAVE BEEN  
03:41PM 18 EXTRAORDINARILY DANGEROUS AND SERIOUS. FORTUNATELY HERE IT WAS  
03:41PM 19 STOPPED BEFORE IT GOT TO THAT POINT.

03:41PM 20 SO I THINK A 60-MONTH SENTENCE FOLLOWED BY A LONG PERIOD  
03:41PM 21 OF SUPERVISED RELEASE WHERE HOPEFULLY AT THE POINT WHERE  
03:41PM 22 MR. NATSHEH IS BACK INTO THE COMMUNITY, HE COULD ACTUALLY GET  
03:41PM 23 ASSISTANCE FROM THE PROBATION AUTHORITIES IN TERMS OF GETTING  
03:41PM 24 BACK ON HIS FEET AND MOVING FORWARD WITH HIS LIFE, AND HE MAY  
03:41PM 25 NOT VIEW IT THIS WAY, BUT HE STILL WILL BE A YOUNG MAN WHEN

03:41PM 1 HE'S -- HE WILL BE IN HIS TWENTIES AND WHEN HE IS BACK IN THE  
03:41PM 2 COMMUNITY.

03:41PM 3 SO PURSUANT TO THE SENTENCING REFORM ACT OF THE 1984 IT IS  
03:42PM 4 THE JUDGMENT OF THE COURT THAT ISLAM NATSHEH IS HEREBY  
03:42PM 5 COMMITTED TO THE CUSTODY OF THE BUREAU OF PRISONS TO BE  
03:42PM 6 IMPRISONED FOR A TERM OF 60 MONTHS. AND THAT OBVIOUSLY, SO  
03:42PM 7 IT'S CLEAR, IT REPRESENTS A VARIANCE OF THE STATUTORY MAXIMUM.  
03:42PM 8 THE COURT RECOMMENDS THAT THE DEFENDANT PARTICIPATE IN THE  
03:42PM 9 BUREAU OF PRISONS RESIDENTIAL DRUG TREATMENT PROGRAM.

03:42PM 10 AND THAT RECOMMENDATION, I TAKE IT, WAS BASED ON THE USE  
03:42PM 11 OF CONTROLLED SUBSTANCES?

03:42PM 12 PROBATION OFFICER: HE HAD A SIGNIFICANT MARIJUANA  
03:42PM 13 ADDICTION AT THE TIME.

03:42PM 14 THE COURT: ALL RIGHT. UPON RELEASE FROM  
03:42PM 15 IMPRISONMENT, THE DEFENDANT SHALL BE PLACED ON SUPERVISED  
03:42PM 16 RELEASE FOR A PERIOD OF SIX YEARS.

03:42PM 17 WITHIN 72 HOURS OF RELEASE FROM CUSTODY FROM THE BUREAU OF  
03:42PM 18 PRISONS, THE DEFENDANT SHALL REPORT IN PERSON TO THE PROBATION  
03:42PM 19 OFFICE IN THE DISTRICT TO WHICH THE DEFENDANT IS RELEASED.

03:42PM 20 WHILE ON SUPERVISED RELEASE, THE DEFENDANT SHALL NOT  
03:42PM 21 COMMIT ANOTHER FEDERAL, STATE OR LOCAL OR CRIME, SHALL COMPLY  
03:42PM 22 WITH THE STANDARD CONDITIONS THAT HAVE BEEN ADOPTED BY THIS  
03:43PM 23 COURT, AND SHALL REFRAIN FROM ANY UNLAWFUL USE OF THE  
03:43PM 24 CONTROLLED SUBSTANCE AND SUBMIT TO THE DRUG TEST WITHIN 15 DAYS  
03:43PM 25 OF RELEASE ON SUPERVISED RELEASE AND TWO PERIODIC DRUG TESTS

03:43PM 1 THEREAFTER AND SHALL COMPLY WITH THE FOLLOWING CONDITIONS.

03:43PM 2 1. THE DEFENDANT SHALL PARTICIPATE IN A PROGRAM OF  
03:43PM 3 TESTING AND TREATMENT FOR DRUG ABUSE AS DIRECTED BY THE  
03:43PM 4 PROBATION OFFICER UNTIL SUCH TIME THAT THE DEFENDANT IS  
03:43PM 5 RELEASED FROM TREATMENT BY THE PROBATION OFFICER.

03:43PM 6 THE DEFENDANT IS TO PAY PART OR ALL OF THE COST OF THE  
03:43PM 7 TREATMENT IN AN AMOUNT NOT TO EXCEED THE COST OF TREATMENT AS  
03:43PM 8 DEEMED APPROPRIATE BY THE PROBATION OFFICER. PAYMENTS SHALL  
03:43PM 9 NEVER EXCEED THE TOTAL COST OF URINALYSIS AND COUNSELLING.  
03:43PM 10 THE ACTUAL COPAYMENT SHALL BE DETERMINED BY THE PROBATION  
03:43PM 11 OFFICER.

03:43PM 12 2. THE DEFENDANT SHALL PARTICIPATE IN A MENTAL HEALTH  
03:43PM 13 TREATMENT PROGRAM AS DIRECTED BY THE PROBATION OFFICER. THE  
03:43PM 14 DEFENDANT IS TO PAY PART OR ALL OF THE COST OF THIS TREATMENT  
03:43PM 15 AT AN AMOUNT NOT TO EXCEED THE COST OF TREATMENT AS DEEMED  
03:43PM 16 APPROPRIATE BY THE PROBATION OFFICER. PAYMENTS SHALL NEVER  
03:43PM 17 EXCEED THE TOTAL COST OF MENTAL HEALTH COUNSELLING. THE ACTUAL  
03:43PM 18 COPAYMENT SCHEDULE SHALL BE DETERMINED BY THE COUNSELLOR.

03:43PM 19 3. THE DEFENDANT -- AS DIRECTED BY THE PROBATION  
03:44PM 20 OFFICER, THE DEFENDANT SHALL ENROLL IN THE PROBATION OFFICER'S  
03:44PM 21 COMPUTER AND INTERNET MONITORING PROGRAM (CIMP) AND SHALL ABIDE  
03:44PM 22 BY THE REQUIREMENTS OF THE CIMP PROGRAM AND THE ACCEPTABLE USE  
03:44PM 23 CONTRACT.

03:44PM 24 4. THE DEFENDANT SHALL CONSENT TO THE PROBATION  
03:44PM 25 OFFICER CONDUCTING A PERIODIC UNANNOUNCED EXAMINATION OF HIS

03:44PM 1 COMPUTER EQUIPMENT. I NOTE, BY THE WAY, THERE WERE SOME  
03:44PM 2 OBJECTIONS BY THE DEFENSE TO CERTAIN OF THESE CONDITIONS, ONE  
03:44PM 3 WITH RESPECT TO FINANCIAL INFORMATION AND THE LIKE.

03:44PM 4 I'VE READ THE REPLY THAT THE GOVERNMENT PROVIDED. I THINK  
03:44PM 5 THE GOVERNMENT HAS CONVINCED ME THAT THESE ARE APPROPRIATE  
03:44PM 6 CONDITIONS SO I WILL OVERRULE THOSE OBJECTIONS.

03:44PM 7 SO GOING BACK TO NUMBER 4. THE DEFENDANT SHALL CONSENT TO  
03:44PM 8 THE PROBATION OFFICER CONDUCTING PERIODIC UNANNOUNCED  
03:44PM 9 EXAMINATIONS OF HIS COMPUTER EQUIPMENT WHICH MAY INCLUDE  
03:44PM 10 RETRIEVAL AND COPYING OF ALL DATA FROM HIS COMPUTERS AND ANY  
03:44PM 11 PERIPHERAL DEVICE TO ENSURE COMPLIANCE WITH THIS CONDITION,  
03:44PM 12 AND/OR REMOVAL OF ANY SUCH EQUIPMENT FOR THE PURPOSE OF  
03:44PM 13 CONDUCTING MORE THOROUGH INSPECTION. THE DEFENDANT SHALL ALSO  
03:44PM 14 CONSENT TO THE INSTALLATION OF THE HARDWARE AND SOFTWARE AS  
03:44PM 15 DIRECTED BY THE PROBATION OFFICER TO MONITOR THE DEFENDANT'S  
03:45PM 16 INTERNET USE.

03:45PM 17 5. THE DEFENDANT SHALL PAY ANY SPECIAL ASSESSMENT THAT  
03:45PM 18 IS IMPOSED BY THIS JUDGMENT AND THAT REMAINS UNPAID AT THE  
03:45PM 19 COMMENCEMENT OF THE TERM OF SUPERVISED RELEASE.

03:45PM 20 6. THE DEFENDANT SHALL PROVIDE THE PROBATION OFFICER  
03:45PM 21 WITH ACCESS TO ANY FINANCIAL INFORMATION, INCLUDING TAX  
03:45PM 22 RETURNS, AND SHALL AUTHORIZE THE PROBATION OFFICER TO CONDUCT  
03:45PM 23 CREDIT CHECKS AND OBTAIN COPIES OF THE CREDIT RETURNS.

03:45PM 24 THE DEFENDANT SHALL AT ALL TIMES EITHER HAVE FULL-TIME  
03:45PM 25 EMPLOYMENT, FULL-TIME TRAINING FOR EMPLOYMENT, FULL-TIME JOB

03:45PM 1 SEARCH, ENROLLED IN COLLEGE OR SOME COMBINATION THEREOF UNLESS  
03:45PM 2 OTHERWISE EXCUSED BY THE PROBATION OFFICER.

03:45PM 3 8. THE DEFENDANT SHALL SUBMIT HIS PERSON, RESIDENCE,  
03:45PM 4 OFFICE, VEHICLE OR ANY PROPERTY UNDER HIS CONTROL TO A SEARCH.  
03:45PM 5 SUCH A SEARCH WILL BE CONDUCTED BY A UNITED STATES PROBATION  
03:45PM 6 OFFICER AT A REASONABLE TIME AND IN A REASONABLE MANNER BASED  
03:45PM 7 UPON A REASONABLE SUSPICION OF CONTRABAND OR EVIDENCE OF A  
03:45PM 8 VIOLATION OF A CONDITION OF RELEASE. FAILURE TO SUBMIT TO SUCH  
03:45PM 9 A SEARCH WILL BE GROUNDS FOR REVOCATION. THE DEFENDANT SHALL  
03:45PM 10 WARN ANY RESIDENTS THAT THE PREMISES MAY BE SUBJECT TO  
03:45PM 11 SEARCHES.

03:45PM 12 9. THE DEFENDANT SHALL NOT ASSOCIATE WITH ANY MEMBER  
03:45PM 13 OF THE ISLAMIC STATE OF IRAQ, AL SHAM, ISIS, THE ISLAMIC STATE  
03:46PM 14 OF IRAQ AND SYRIA -- I'M NOT SURE I CAN PRONOUNCE THIS --  
03:46PM 15 AD-DAWLA AL-ISLAMIYYA F AL-'IRAQ WA-SH-SHAM, DAESH, DAWLA AL  
03:46PM 16 ISLAMIYA, AND AL-FURQUAN ESTABLISHMENT FOR MEDIA PRODUCTION.

03:46PM 17 THE DEFENDANT SHALL HAVE NO CONNECTION WHATSOEVER WITH  
03:46PM 18 THESE TERRORIST GROUPS OR ANY OTHER TERRORIST GROUP OR GANG.

03:46PM 19 IF HE IS FOUND TO BE IN THE COMPANY OF SUCH INDIVIDUALS OR  
03:46PM 20 WEARING THE CLOTHING, COLORS OR INSIGNIA -- I KNOW THE  
03:46PM 21 DEFENDANTS POINTED OUT THEY DON'T HAVE A GANG COLOR AND THE  
03:46PM 22 LIKE AND THAT'S A REASONABLE POINT, BUT TO THE EXTENT THAT  
03:46PM 23 THERE IS ANY KIND OF LOGO OR INDICIA OF THE ABOVE NOTED  
03:46PM 24 TERRORIST GROUPS SHOULD THEY DEVELOP SUCH, THE COURT WILL  
03:46PM 25 PRESUME THAT THE ASSOCIATION WAS FOR THE PURPOSE OF

03:46PM 1 PARTICIPATING IN THE ACTIVITY OF THOSE GROUPS.

03:46PM 2 10. THE DEFENDANT SHALL COOPERATE IN THE COLLECTION OF  
03:47PM 3 DNA AS DIRECTED BY THE PROBATION OFFICER.

03:47PM 4 11. THE DEFENDANT SHALL NOT OWN OR POSSESS ANY  
03:47PM 5 FIREARMS, AMMUNITION, DESTRUCTIVE DEVICES OR OTHER DANGEROUS  
03:47PM 6 WEAPONS.

03:47PM 7 IT IS FURTHER ORDERED THAT THE DEFENDANT SHALL PAY TO THE  
03:47PM 8 UNITED STATES A SPECIAL ASSESSMENT OF \$100 AND PAYMENT SHALL BE  
03:47PM 9 MADE TO THE CLERK OF THE U.S. DISTRICT COURT, 450 GOLDEN GATE  
03:47PM 10 AVENUE, BOX 36060, SAN FRANCISCO, CA 94102.

03:47PM 11 DURING IMPRISONMENT, PAYMENT OF CRIMINAL MONETARY  
03:47PM 12 PENALTIES ARE DUE AT A RATE NOT LESS THAN \$25 PER QUARTER AND  
03:47PM 13 PAYMENT SHALL BE THROUGH THE BUREAU OF PRISONS INMATE FINANCIAL  
03:47PM 14 RESPONSIBILITY PROGRAM.

03:47PM 15 THE COURT FINDS THE DEFENDANT DOES NOT HAVE THE ABILITY TO  
03:47PM 16 PAY A FINE AND ORDERS THAT THE FINE BE WAIVED.

03:47PM 17 MS. MITCHELL, DO YOU HAVE ANY REQUESTS IN TERMS OF  
03:47PM 18 DESIGNATION OR --

03:47PM 19 MS. MITCHELL: WE WOULD REQUEST CALIFORNIA, IF  
03:47PM 20 POSSIBLE, A FACILITY IN CALIFORNIA, IF POSSIBLE.

03:47PM 21 FCI MENDOTA WOULD BE THE ONE THAT IS CLOSEST TO HIS FAMILY  
03:47PM 22 HERE.

03:47PM 23 THE COURT: AND DO YOU WANT THAT SPECIFIC ONE?

03:47PM 24 MS. MITCHELL: YES, YOUR HONOR.

03:47PM 25 THE COURT: ALL RIGHT. I'LL MAKE THAT

RECOMMENDATION AND IF NOT THAT FACILITY, A CALIFORNIA FACILITY.

AND, AGAIN, TO THE EXTENT THAT THERE IS ANY PROGRAMS,  
CERTAINLY ONES AT THE SUPERVISED RELEASE PHASE, I ENCOURAGE THE  
PROBATION OFFICER TO EXPLORE THAT AS YOU SET FORTH AS YOU  
INDICATED YOU WOULD AND NOT JUST FOR MR. NATSHEH BUT IN  
GENERAL.

MR. NATSHEH, YOU HAVE A RIGHT TO APPEAL. YOUR SENTENCE  
YOU ENTERED INTO IS WHAT IS CALLED AN OPEN PLEA AND SO YOU DO  
HAVE A RIGHT TO APPEAL.

IN THE EVENT THAT YOU ELECT TO APPEAL, YOU WOULD NEED TO  
DO THAT WITHIN 14 DAYS OF THE ENTRANCE OF THIS JUDGMENT.

DO YOU UNDERSTAND THAT?

THE DEFENDANT: YES, SIR.

THE COURT: OKAY. ANYTHING FURTHER?

MS. BECKER: NO, YOUR HONOR.

MS. MITCHELL: NO, YOUR HONOR.

MS. BECKER: THANK YOU. THANK YOU.

(COURT CONCLUDED AT 3:49 P.M.)

CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

A handwritten signature in black ink that reads "Irene Rodriguez". The signature is written in a cursive, flowing style with a large, decorative flourish at the end of the last name.

IRENE RODRIGUEZ, CSR, RMR, CRR  
CERTIFICATE NUMBER 8074

DATED: JULY 13, 2017